

Sub H3
GS
a control computer coupled to said memory unit and said telephonic interface apparatus for actuating said telephonic interface apparatus to selectively communicate in sequence, **[under computer control,]** from said plurality of remote locations to at least one of said plurality of **[television] video** display structures in accordance with said programmed operation to control the display of said **[television] video** display structures.

REMARKS

This Amendment is in response to the final office action dated July 6, 1999. The Examiner is requested to consider this response as the second submission after final rejection under 35 U.S.C. § 1.129(a) and to withdraw the final rejection. Allowance of claims 26-30 and 50 is appreciated. By this amendment, claims 34, 40, 46, 77, and 103 are amended. Reconsideration of this application based on the above amendments and arguments urged below is respectfully requested.

I. **Rejection of Claims 34-39, 46-47, 49, 52, 54-78, 80-83, 87-89, 93-104, 106-110, and 114-115 Under 35 U.S.C. Section 103(a)**

In paragraph 2 of the office action, claims 34-39, 46-47, 49, 52, 54-78, 80-83, 87-89, 93-104, 106-110, and 114-115, are rejected under 35 U.S.C. Section 103(a) as unpatentable over the publication entitled "*Vision by telephone*" (hereafter "*Vision*") in view of U.S. Patent No. 4,955,052 to Hussain (hereafter Hussain).

The Examiner contends that the "*Vision*" publication discloses "*a system for monitoring a plurality of scrutiny locations from a central station using dial-up telephone facilities in which images from each scrutiny location are sequentially received and displayed along with graphic display data identifying the picture displayed (page 2). When an alarm sensor at a scrutiny location is triggered, the associated camera takes four snap-shots which are stored and transmitted to the called terminal station for priority display such that the usual surveillance sequence is interrupted (page 2, column 1, paragraph 4). Two-way audio communication can take place via telephones at each remote site and the central station (see figures on pages 2-3).*"

The Examiner further contends that the "*Vision*" publication "*differs from claims 34-39, 46-49, 52, 54-78, 80-83, 87-89, 93-104, 106-110, and 114-115 in that it does not explicitly*

provide for the autodialing operation being under control of a computer.” To satisfy that requirement of the Applicant’s claims, the Examiner relies on Hussain, with the assertion that “*it is notoriously well known in a system for monitoring a plurality of remote location[s] from a central station via dial-up telephone facilities to use a computer programmed to sequentially call each remote location (note Abstract: col. 8, lines 22-31; col. 12, lines 14-18 and col. 13, line 62 - col. 14, line 29 shows memory in computer storing telephone numbers or remote locations for sequential dialing).*” The Examiner believes that it would have been obvious to combine such computer control as taught by Hussain (albeit in a pay phone environment), within the monitoring system of the “*Vision*” publication (a slow-scan television environment).

Applicant submits that the “*Vision*” publication clearly does not contemplate Applicant’s disclosed system. As background, the “*Vision*” system does not provide a continuous and real-time display of dynamic images. Rather, it is a “*slow-scan TV*” system (page 1, left hand column) that transmits discrete ‘*snap-shot*’ pictures. The Examiner simply overlooks the “*dynamic*” and real-time nature of Applicant’s claimed system.

In direct contrast to the Applicant’s system, the “*Vision*” system in its “*surveillance mode*” relies exclusively upon human selection of which remote station to access. The publication indicates that in “*its surveillance mode a two-digit number keyed into the base station will trigger a 60-way auto teller to dial out to the selected remote station*” (page 2, left hand column). (Emphasis added). In the “*Vision*” system, a human must on the spot, not only 1) select the location to be monitored, but also, 2) must determine the appropriate two-digit number corresponding to the location and finally, 3) must key that number into the station. These three distinct operations present three possibilities for human error to occur. To merely reduce the difference between Applicant’s system and the “*Vision*” system to an absence of a computer controlled “autodialing operation” is unfair. The Examiner conveniently ignores the other programmed aspects of Applicant’s system that eliminate human involvement and possible human error.

In addition, in the “*Vision*” system’s “*alarm mode*,” a sensor at the remote site is activated and a succession of snap-shots are taken and transmitted. The Examiner indicates that hence the “*usual surveillance sequence is interrupted.*” However, Applicant submits that the “*Vision*” system does not have a programmed and sequential surveillance of different remote sites that is interrupted in the event an emergency is detected at one location. The pattern of

surveillance of different remote sites depends on human decision. Even in the the “*alarm mode*,” when an alarm sensor is activated at a remote site, and a number of snap-shots are made in rapid succession and transmitted, this incoming call in no way impacts the human operator. To resume surveillance, the human operator must subsequently enter yet another different two-digit code corresponding to a different location to select another location to monitor.

Despite these pertinent differences, it is surprising that the Examiner only recognizes the difference between the “*Vision*” system and Applicant’s system as a failure by the “*Vision*” system to include computer controlled autodialing operations. It must be for that reason, that the Examiner relies on Hussain (that discloses an autodialing feature in a pay phone monitoring system) for satisfying that void. Nowhere in Hussain is there any mention of video communication. Applicant fails to see the motivation in either reference that invites a combination of the two references. In any event, even if the references are combined as suggested by the Examiner, together, they offer no suggestion, let alone a teaching, of a system that facilitates surveillance of remote sites without human intervention to actuate surveillance of every one of those remote sites.

The analysis used in the Office Action, in which the claimed combination of features is deemed to have been obvious because each of the claimed features purportedly can be found in various references, is improper. It is immaterial to the issue of obviousness that all of the elements were old in the art. Gillette Co. v. S.C. Johnson & Son, Inc., 919 F.2d 720, 724, 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). Virtually all inventions are combinations of old elements. Environmental Designs v. Union Oil Co. of Cal., 713 F.2d 693, 698, 218 USPQ 865, 870 (Fed. Cir. 1983). Moreover, the new combination need not provide unexpected results or synergism. American Hoist & Derrick Co. v. Sowa & Sons, Inc., 725 F.2d 1350, 1360-61, 220 USPQ 763, 771 (Fed. Cir. 1984).

The question is not whether each element in a claimed invention is old and unpatentable, but whether “there is something in the prior art **as a whole** to suggest the desirability, and thus the obviousness of making the combination.” Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1575, 1 USPQ2d 1593, 1602-03 (Fed. Cir. 1987). The claimed invention must be considered as a whole. Gillette Co. v. S.C. Johnson & Son, Inc., 919 F.2d at 724, 16 USPQ2d at 1927. Applicant respectfully submits that the Office Action engages in impermissible hindsight reconstruction of the claimed invention, using the Applicant’s claims as a template and selecting

elements from references to fill the gaps. E.g., In re Rouffet, 149 F.3d 1350, 1357-58, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). There is nothing in the applied references that suggests their combination to achieve the claimed invention.

In any event, Applicant has amended the rejected claims to further clarify them and to emphasize the programmed nature of Applicant's system.

II. Rejection of Claims 40-45 Under 35 U.S.C. Section 103(a)

In paragraph 3 of the office action, the Examiner rejected claims 40-45 as unpatentable over the "*Vision*" publication in view of Thompson. The Examiner indicates that the "*Vision*" publication differs from claim 40-45 in that it does not provide for storing display data on scrutiny locations with means for addressing the memory means based on "*D*" channel type signals. The Examiner contends that Thompson teaches the storage of display data (map, address, name, etc.) corresponding to different scrutiny locations and addressing the data based on ANI information (col. 3, lines 1-53) for the purpose of providing more detailed information with regard to an emergency call.

As indicated before in prior responses, the Examiner is simply overlooking all the requirements of the claim. The claims in question require a "*plurality*" of switch structures at each of said plurality of monitored locations for "*providing alert signals indicating various alert situations.*" As shown in Figure 2 of Applicant's specification, switches S5, S6, and S7 provide one example of such a system. The switch S5 indicates an "*emergency*" or "*red*" situation, the switch S6 indicates an "*alert*" or "*yellow*" situation and the switch S7 indicates a "*routine*" or "*green*" situation. Neither reference teaches nor suggests providing "*various alert situations.*"

In any event, Applicant has amended claim 40 to further clarify it. The Examiner is respectfully requested to withdraw her rejection of claims 40-45.

III. Rejection of Claims 48, 51, 90-92, and 111-113 Under 35 U.S.C. Section 103(a)

In paragraph 4 of the office action, claims 48, 51, 90-92, and 111-113 are rejected under 35 U.S.C. Section 103(a) as unpatentable over the "*Vision*" publication in view of Hussain, and further in view of Thompson for the same reasons applied to claims 40-45 above. Claims 48 and

51 ultimately depend on claim 46, claims 90-92 ultimately depend on claim claim 77, and claims 111-113 ultimately depend on claim 103. All these dependent claims are distinct for at least the reasons urged above with respect to the claims from which they depend. In addition, Applicant finds no motivation in the "*Vision*" publication (a slow-scan TV surveillance system), nor in Hussain (a pay phone system absent any discussion of video communication of dynamic images), that invites a combination with Thompson (an emergency call locating system also absent discussion of video communication). At best, Thompson discloses a display of a map with textual information (see Thompson, Figure 4). The display is not a real-life image, much less, a dynamic image.

The Examiner is respectfully requested to withdraw her rejection of claims 48, 51, 90-92, and 111-113.

IV. Rejection of Claims 53, 79, and 105 Under 35 U.S.C. Section 103(a)

In paragraph 5 of the office action, claims 53, 79, and 105 are rejected under 35 U.S.C. Section 103(a) as unpatentable over the "*Vision*" publication in view of Hussain, and further in view of Fuller et al. (Fuller). The Examiner asserts that "[t]he publication and Hussain combination differs from claims 53, 79, and 105 in that it does not specify the selection of sites as being random." However, the Examiner indicates that "*Fuller teaches the desirability of selecting the video monitoring of remote sites in a random or predetermined fashion (col. 12, lines 11-15) such that it would have obvious to incorporate such random selection within the video monitoring system combination of the 'Vision' publication and Hussain.*" Claim 53 depends on claim 46, claim 79 depends on claim 77, and claim 105 depends on claim 103. Accordingly, claims 53, 79, and 105 are distinct from the asserted prior art for at least the reasons urged above with respect to the claims from which they depend.

V. Rejection of Claims 84-86 Under 35 U.S.C. Section 103(a)

In paragraph 6 of the office action, claims 84-86 are rejected under 35 U.S.C. Section 103(a) as unpatentable over the "*Vision*" publication in view of Hussain, and further in view of Guichard et al. (hereafter "*Guichard*"). Claims 84-86 depend on claim 77 and are therefore,

distinct for at least the same reasons urged above with respect to claim 77. Moreover, since neither the "*Vision*" publication nor Hussain disclose surveillance involving dynamic video images of the remote locations under surveillance, a combination of those references with Guichard to facilitate greater camera control with zoom, pan, and tilt possibilities would not make good sense. Even if the user of the "*Vision*" system, had access to such enhanced control, it would result in further delays in receiving the final snap-shot picture. In the "*Vision*" system, high resolution pictures with greater clarity require greater transmission of serial data and hence an added delay in receiving a complete picture.

The Examiner is respectfully requested to withdraw her rejection of claims 84-86.

CONCLUSION

Favorable consideration and allowance of the pending claims is respectfully requested. In the event the Examiner maintains or modifies her rejections, the undersigned would appreciate an attempt to resolve or at least discuss the Examiner's positions over the telephone so as to conclude prosecution of this application. The Examiner's careful examination of this application and patience is greatly appreciated.

Respectfully submitted,

LYON & LYON, LLP

Dated: January 6, 2000

By Reena Kuyper
Reena Kuyper
Registration No. 33,830

633 W. Fifth Street, Suite 4700
Los Angeles, CA 90071-2066
(213) 489-1600